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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,265	02/26/2002	Kenneth J. Krauss	87356.2180	6422

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BAKER + HOSTETLER LLP  
WASHINGTON SQUARE, SUITE 1100  
1050 CONNECTICUT AVE. N.W.  
WASHINGTON, DC 20036-5304

EXAMINER

RIDLEY, RICHARD

ART UNIT PAPER NUMBER

3651

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/082,265

**Applicant(s)**

KRAUSS ET AL.

**Examiner**

Richard Ridley

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Request for Continued Examination*

1. Receipt is acknowledged of the request for a Continued Examination (RCE) filed on 8-17-04. The request for a RCE is acceptable and a RCE has been established. An action on the RCE follows.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sackett '669 in view of Lovette '261 and further in view of Huth '684 and further in view of Clancy '852 and further in view of Stock '518.

Sackett discloses all of the claim limitations in a similar feeding device, the device comprising a(n):

- Conveyor belt (2)
- Material inlet (1)
- Movable plate (fig. 1) having a hinged end and a free end pivotally mounted
- Hinge (fig. 1)

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- Fixed plate (fig. 1)
- Power actuator or means for urging (4)

Sackett does not disclose the use of a power actuator that is an air cylinder.

Lovette teaches the use of a power actuator (32) that is an air cylinder for the purpose of providing for a means to control the degree of opening and closing of a gate at the input of a conveyor belt (C3/L40-59).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a power actuator that is an air cylinder, as taught by Lovette, in the device of Sackett for the purpose of providing for a means to control the degree of opening and closing of a gate at the input of a conveyor belt.

Additionally, Sackett does not disclose the material inlet having a width in the forward conveying direction that is at least half the length of the top path length.

In a weighing device similar to Sackett, Huth '684 teaches an arrangement where the material inlet has a width in the forward conveying direction that is at least half the length of the top path length.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed either a shorter belt such that the material inlet would have a width in the forward conveying direction that is at least half the length of the top path length, or a wider material inlet such that the material inlet would have a width in the forward conveying direction that is at least half the length of the top path length since such an arrangement would have been

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merely a matter of design choice, such an arrangement having been arrived at and taught by Huth, and since the applicant has not disclosed that such an arrangement solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with such an arrangement as shown by Huth.

Sackett does not disclose the use of a pair of side skirts or a rear end skirt.

Re clm 9, Clancy '852 teaches the use of a pair of side skirts for the purpose of providing for a means to guide the flow of material onto the belt and prevent spillage at the belt sides.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a pair of side skirts, as taught by Clancy, in the device of Sackett for the purpose of providing for a means to guide the flow of material onto the belt and prevent spillage at the belt sides.

Re clm 10, Stock '518 teaches the use of a rear end skirt for the purpose of providing for a means to control the flow of material onto the belt and prevent spillage at the rear backside of the belt.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the a rear end skirt, as taught by Stock, in the device of Sackett for the purpose of providing for a means to guide the flow of material onto the belt and prevent spillage at the backside of the belt.

*Conclusion*

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Richard Ridley  
1 Sept 2004

Richard Ridley  
Examiner  
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